

Attachment D

**OFFICE OF MISSION SUPPORT**

WASHINGTON, D.C. 20460

February 21, 2025

MEMORANDUM

SUBJECT: Termination of EPA Assistance Agreement 5N00E03682-1 under 2 CFR 200.340

FROM: EPA Award Official

TO: Greg Wenz, Chief Financial Officer
The Minneapolis Foundation

The purpose of this communication is to notify you that the U.S. Environmental Protection Agency (EPA) is hereby terminating Assistance Agreement No. 5N00E03682-1 awarded to The Minneapolis Foundation. In accordance with 2 CFR 200.340(a)(2) (effective August 13, 2020 – September 30, 2024) and the Termination term and condition contained in the EPA General Terms and Conditions effective August 13, 2020 – September 30, 2024, EPA Assistance Agreement 5N00E03682-1 is terminated in its entirety effective immediately on the grounds that the award no longer effectuates the program goals or agency priorities. The objectives of the award are no longer consistent with EPA funding priorities.

It is a priority of the EPA to eliminate discrimination in all programs throughout the United States. The EPA Administrator has determined that, per the Agency's obligations to the constitutional and statutory law of the United States, this priority includes ensuring that the Agency's grants do not support programs or organizations that promote or take part in diversity, equity, and inclusion ("DEI") initiatives, "environmental justice" initiatives, and conflict with the Agency's policy of prioritizing merit, fairness, and excellence in performing our statutory functions. In addition to complying with the civil rights laws, it is vital that the Agency assess whether all grant payments are free from fraud, abuse, waste, and duplication, as well as to assess whether current grants are in the best interests of the United States.

The grant specified above provides funding for programs that promote or take part in DEI initiatives or environmental justice initiatives or other initiatives that conflict with the Agency's policy of prioritizing merit, fairness, and excellence in performing our statutory functions; that are not free from fraud, abuse, waste, or duplication; or that otherwise fail to serve the best interests of the United States. The grant is therefore inconsistent with, and no longer effectuates, Agency priorities.

The process for closeout is generally outlined in 2 CFR 200.344. EPA is clarifying what reports are required and what reports are waived below. Other requirements are still in effect if applicable to your grant.

EPA is requiring the following closeout reports due within 120 days of closeout (2 CFR 200.344a:)

- Final Federal Financial Report, SF-425
- Final Technical Report
- Other programmatic reports identified in your terms and conditions

As part of this termination, EPA is waiving the following closeout reports:

- Property Report, SF-428
- Final Minority Business Enterprise/Woman Business Enterprise Utilization Under Federal Grants and Cooperative Agreements, EPA Form 5700-52A

The recipient may request payment from the Automated Standard Application Payments (ASAP) system for allowable costs incurred up to the date of this memo provided that such costs were contained in the approved workplan. Costs incurred by you after this termination are allowable only if (a) those costs were properly incurred by you before the effective date of this termination, and not in anticipation of it; and (b) those costs would be allowable if your federal award was not suspended or expired normally at the end of the period of performance in which the termination takes effect. See 2 C.F.R. § 200.343. You are encouraged to carefully review and discharge your closeout responsibilities set forth in 2 C.F.R. § 200.344-45 and your award agreement. Those responsibilities include, but are not limited to, your obligation to “promptly refund any unobligated funds” that have been paid out but “are not authorized to be retained.” See 2 C.F.R. § 200.344(g).

Also, per 2 CFR 200.472, a recipient may use grant funds to properly closeout their grant including reasonable and necessary costs that might occur after the date of this memo. If the recipient drew down funds from ASAP for costs beyond the termination date or for costs that exceed the amount necessary to properly closeout their grant, the recipient must contact RTPFC at rtpfc-grants@epa.gov for instructions on how to return the excess funds.

The EPA Grants Management Office has issued an amendment to the agreement to document the termination.


If you wish to dispute this termination decision, the Disputes Decision Official (DDO), coyle.ann@epa.gov, must receive the Dispute no later than 30 calendar days from the date this termination notice is electronically sent to you. Disputes must be sent electronically by email to the DDO, with a copy to the EPA Award Official, dolan.sheila@epa.gov within the 30-day period stated above. The Dispute submitted to the DDO must include: (1) A copy of the disputed Agency Decision; (2) A detailed statement of the specific legal and factual grounds for the Dispute, including copies of any supporting documents; (3) The specific remedy or relief you seek under the Dispute; and (4) The name and contact information, including email address, of your designated point of contact for the Dispute. See 2 CFR 1500.15

The requirements on post-closeout adjustments and continuing responsibilities, including audit and record retention requirements, at 2 CFR 200.345 remain in effect.

ATTACHMENT

Amendment Document

cc: Mauricio Lobato, EPA Grant Specialist
Cristina Presmanes, EPA Project Officer
Office of Environmental Justice, Community Health, and Environmental Review Division

	U.S. ENVIRONMENTAL PROTECTION AGENCY Assistance Amendment	GRANT NUMBER (FAIN): 00E03682 MODIFICATION NUMBER: 1 PROGRAM CODE: 5N	DATE OF AWARD 02/21/2025
		TYPE OF ACTION No Cost Amendment	MAILING DATE 02/21/2025
		PAYMENT METHOD: ASAP	ACH# PEND
		RECIPIENT TYPE: Not for Profit	
RECIPIENT: MINNEAPOLIS FOUNDATION 80 S 8TH ST 800 IDS CENTER MINNEAPOLIS, MN 55402 EIN: 41-6029402		Send Payment Request to: Contact EPA RTPFC at: rtpfc-grants@epa.gov	
PAYEE: MINNEAPOLIS FOUNDATION 80 S 8TH STREET 800 IDS Center Minneapolis, MN 55402			
PROJECT MANAGER Jo-Anne Stately 80 S EIGHTH ST 800 IDS CENTER MINNEAPOLIS, MN 55402 Email: jstately@mplsfoundation.org Phone: 612-672-3878	EPA PROJECT OFFICER Cristina Presmanes 77 West Jackson Blvd., RM-19J Chicago, IL 60604-3507 Email: Presmanes.Cristina@epa.gov Phone: 312-353-8205	EPA GRANT SPECIALIST Mauricio Lobato Assistance Section 1, MA-10J 77 West Jackson Blvd. Chicago, IL 60604 Email: lobato.mauricio@epa.gov Phone: 312-353-2515	
PROJECT TITLE AND EXPLANATION OF CHANGES The Minneapolis Foundation TCGM Grant 1 See Attachment 1 for project description.			
BUDGET PERIOD 04/01/2024 - 02/21/2025	PROJECT PERIOD 04/01/2024 - 02/21/2025	TOTAL BUDGET PERIOD COST \$ 8,000,000.00	TOTAL PROJECT PERIOD COST \$ 8,000,000.00
NOTICE OF AWARD <p>Based on your Application dated 02/21/2025 including all modifications and amendments, the United States acting by and through the US Environmental Protection Agency (EPA) hereby awards \$ 0.00. EPA agrees to cost-share <u>100.00%</u> of all approved budget period costs incurred, up to and not exceeding total federal funding of \$ 8,000,000.00. Recipient's signature is not required on this agreement. The recipient demonstrates its commitment to carry out this award by either: 1) drawing down funds within 21 days after the EPA award or amendment mailing date; or 2) not filing a notice of disagreement with the award terms and conditions within 21 days after the EPA award or amendment mailing date. If the recipient disagrees with the terms and conditions specified in this award, the authorized representative of the recipient must furnish a notice of disagreement to the EPA Award Official within 21 days after the EPA award or amendment mailing date. In case of disagreement, and until the disagreement is resolved, the recipient should not draw down on the funds provided by this award/amendment, and any costs incurred by the recipient are at its own risk. This agreement is subject to applicable EPA regulatory and statutory provisions, all terms and conditions of this agreement and any attachments.</p>			
ISSUING OFFICE (GRANTS MANAGEMENT OFFICE)		AWARD APPROVAL OFFICE	
ORGANIZATION / ADDRESS U.S. EPA, Region 5, U.S. EPA Region 5 Mail Code MCG10J 77 West Jackson Blvd. Chicago, IL 60604-3507		ORGANIZATION / ADDRESS U.S. EPA, Region 5, Office of Environmental Justice, Community Health, and Environmental Review Division OEJECR - Office of Environmental Justice and External Civil Rights 77 West Jackson Blvd., R-19J Chicago, IL 60604-3507	
THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY			
Digital signature applied by EPA Award Official for Sheila Dolan - Manager, Acquisition and Assistance Branch by Robert Fields - Award Official Delegate			DATE 02/21/2025